

Planning Commission Minutes
August 20, 1996

Present: Chairman Elaine McKay, Vice Chairman Dick Dresher, Mike Holmes, Mark Green, Ken Cutler, Don Milligan, Dean Jolley: Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Jack Balling, City Engineer and Lois Williams.

Elaine McKay welcomed all those present and introduced the Planning Commission Members and Staff. The minutes for August 6, 1996 were modified with the addition of Dick Dresher excusing himself from the last three items on the agenda. Sam Fowler made a motion to approve the minutes as modified. Dick Dresher seconded the motion and voting passed by majority vote.

Mike Holmes abstained from voting.

Conditional Use Permits

1. Public hearing to consider granting a conditional use permit for a residential preschool at 969 E. Mill Street, Janene Nelson, applicant.

Janene Nelson, applicant, was present. Blaine Gehring explained that Mrs. Nelson would like to operate a preschool for 3 and 4 year olds in her home. She currently provides day care for a limited number of children and would like the opportunity to offer some preschool activities to other children than those she tends. The City Ordinance will allow, with a conditional use permit, up to twelve children at any time whether they are there for day care or for preschool. She understands these limits and will work within them. Her intent is to only have it open two days a week at present, but the conditional use permit will allow operation to more than that at a future time. There are other preschools in Bountiful and this one is not any different from the existing ones. This should not increase traffic on a regular basis. There will be a few cars coming to and from during the beginning and ending times of the preschool.

Mr. Gehring has provided all Planning Commission Members copies of 5 letters in opposition and 12 letters either in support or non opposition that have been received. There will be no changes in zoning to a commercial zone nor will any variances be given. A conditional use permit is required and by definition it is a use that under certain conditions the Planning Commission feels that will fit into the neighborhood without any adverse effects on the neighborhood. Staff supports this application and recommends approval of a conditional use permit with the following conditions:

1. The required home occupation license for day care/preschool be obtained.
2. As long as day care is provided along with the preschool, all state licensing

requirements for the day care continue to be met while operating the preschool.

Mrs. McKay opened the Public Hearing for comments. Janene Nelson explained that with the State she can have a day care or preschool, she cannot be licensed for both. She has applied for the conditional use permit so she will have the option of using day care or preschool. She is willing to work with the neighbors on any problems. She needs the neighbors to talk with her about the problems before she can solve them.

Earl Atwood, residing at 959 E. Mill Street, asked how many sessions will be held each day with 6 to 12 children? The door that is used for these children and their parents is next to Mr. Atwood's kitchen. He has to shut his door to close out some of the noise.

Mr. Gehring explained that the State Law allows for two different licenses under day care which is based on the number of children. One can be for 6 children, including your own under the age of 6, with one provider. State Law will allow an additional 6, total of 12 children, with two providers. State will not license a home for more than 12 children nor will the State license a preschool. The City will allow for a preschool with 12 children, not living in the home, to have up to two sessions per day at 4 hours per session. Mrs. Nelsen is asking for one session per day.

Ted Steers, residing at 1059 S. Millcrest Circle, has a problem with a day care/preschool being in his neighborhood. Mr. Steers has purchased an expensive lot in an area where he is away from traffic and a commercial area. He feels that this preschool will reduce the value of his home and the neighborhood. It will make the area less attractive for future buyers and increase the traffic. He feels that it will be unfair to him and the residents if this is granted. He is asking that this be denied.

Diane Harker, residing at 982 Bountiful Hills Drive, also feels that this will impact the neighborhood and reduce the value of her home. She purchased her home with the idea that it would be residential with no schools. If she had known that preschools were permitted she would have looked elsewhere.

Karen Henderson, owns Child Care Consultants, works with the State Board Of Education on child nutrition. She also works with home day care and preschools in the Utah area. In most areas the neighbors do not know that a preschool or day care exists in the neighborhood. The outside of the home does not change nor is there extra playground equipment in the yards. The value of the homes does not change because of a preschool or daycare. She has worked with Janene for several years with day care and there have not been any problems.

Pat Curnen, residing at 972 Bountiful Hills Drive, back yard borders with the Janene's back yard. She has had some problems with the children throwing things across the fence and there is a noise problem. She has had to insert slats in the fence to help with the noise and the things being thrown across the fence. She feels that this is an adult community and adding children does create problems.

Bert Hulet, residing at 977 E. Mill Street, lives next door to Janene and they have no problems with a preschool or day care. As far as noise and traffic in the neighborhood there is more coming from the teenagers than from the day care. There is a need for day care and preschools. They are not negative but a contribution to the community. Mr. Hulet is fully in support for this.

LaRayne Hulet, residing at 977 E. Mill Street, suggested that it could be some of her 26 grandchildren that is making the noise. Most everyone in the neighborhood has grandchildren that make noise, play and have fun. Mrs. Hulet knows there is a day care next door but never knows what day the children are there.

Lowell Gould, residing at 1076 Millcrest Circle, mentioned that everyone seems to be concerned about noise and traffic in the neighborhood. The teenagers will create more traffic and noise than a day care or preschool.

Doug Nelson, residing at 969 E. Mill Street, is a mortgage broker and has worked with different appraisers. Having a preschool or day care has no impact on the value of the home or neighborhood.

Jim Jensen, residing at 949 E. Mill Street, has some concerns with the high school students using Mill Street for their turn around. This could be dangerous for the children. Mr. Nelson explained that the hours of the preschool will be different from the high school. The times the children will be dropped off the high school will be in session. There will be no problem with the traffic.

The Public Hearing was closed and opened for comments from the Planning Commission Members. Mark Green expressed his appreciation for the conduct of the Public Hearing. He also mentioned that he has lived next to a preschool and has no objection with doing it again. There was no impact of traffic to the neighborhood at all. A home environment is a great place to learn and have some good positive experiences. Mr. Green has also lived next to a home occupation which was not a delightful experience. He feels that there will be no devalue of property caused by a preschool or day care. He is in favor of this permit.

There was a discussion on the traffic and the fence in the back yard. The back yard is enclosed with a chain link fence with some sections having slats. Mr. Gehring explained that for a state license it is required to have a fully enclosed secured play area. There will not be a traffic problem the parent's car pool and one child will walk.

Sam Fowler mentioned that he has delivered and picked up his own grandchildren from two different locations in Bountiful. There were no problems with either resident. There would be

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or 5 cars waiting to pick up their children at one time with no problems. Even in the winter when there would be a lot of snow there was no congestion with traffic. Mr. Fowler feels there

could not be any problems with home preschools.

Ken Cutler made a motion to approve a Conditional Use Permit for a preschool in a home at 969 E. Mill Street. Don Milligan seconded the motion and voting was unanimous.

Mrs. McKay thanked all those for their comments and their conduct during the Public Hearing. Meeting adjourned at 7:45 P.M.